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February 16, 2018

**BY ECF**

Hon. P. Kevin Castel  
United States District Judge  
500 Pearl Street  
New York, New York 10007

RE: U.S. Bank, National Association v. UBS Real Estate  
Securities Inc., 12-cv-7322 (PKC) (S.D.N.Y.)

Dear Judge Castel:

On behalf of UBS RESI, we respectfully write regarding David and Sandra Visser's Motion to Intervene (ECF No. 569, the "Motion"). As the Trustee argued in its letter filed earlier today, the Motion should be denied on the grounds that, *inter alia*, it is untimely and the proposed intervenors have once again failed to demonstrate that their interests are not adequately represented in this litigation. Indeed, granting the Motion at this very late stage – over five years after commencement of the action and nearly two years since trial ended – so that the proposed intervenors can "reopen discovery and trial," would cause severe and obvious prejudice to the parties.<sup>1</sup>

To the extent the Court grants Plaintiff's request that the deadline for opposition briefs, if any are required, be extended to March 6, 2018, UBS RESI respectfully requests the same deadline for its opposition brief.

Respectfully submitted,



Robert A. Fumerton

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<sup>1</sup> The Motion is also rife with speculation and baseless accusations of purported collusion that should be completely disregarded. (*See, e.g.*, Motion at 14, 16, 19.) UBS RESI denies any actual or even perceived impropriety in connection with the proposed settlement in this action, which was negotiated at arm's-length between sophisticated, adverse parties and is currently being considered by the Trustee.